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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/664,497

09/16/2003

James M. Okuley

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7590

12/12/2006

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EXAMINER

YACOB, SISAY

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,497

Applicant(s)

OKULEY, JAMES M.

Examiner

Sisay Yacob

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 October 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1 This communication is in response to applicant's amendment to non-final office action, which was filed October 12, 2006.

2 Amendments and arguments to claims 1-16 and new claims 17-20 and 22-28 have been entered and made of record in the application of Okuley "Electronic devices and systems" filed on September 16, 2003.

Claims 1-8 are canceled

Claims 9, 10, 14 and 16 are amended.

Claims 11-13 are the same as originally filed.

Claim 15 is as previously presented.

New claims 17-20 and 22-28 are introduced.

### **Response to Arguments**

3 As to applicant's arguments on pages 7 and 8 and all subsequent applicant's argument with respect to requesting a new non-final action, if any rejection of claim 9 or 18 is maintained and the rejection of claims 8 and 9 (July 13, 2006) being essentially identical to the prior office action (December 27, 2005).

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4 The reason applicant's argument was moot due to new ground of rejection, as indicated in the office action (July 13, 2006). Even though the same secondary prior arts were used (US Publication of Herrmann et al., 20020124271 and US Patent of Evanicky et al., 6,243,068), since both claims 8 and 9 were dependent on claim 7, which depends on claim 6, the rejection was based on the new prior art of (US patent of Wang et al., 6,366,453), which is different from the prior art that was presented in the prior office action dated December 27, 2005 (US patent of Wang et al., 6,366,452), the rejection of claims 8 and 9 dated July 13, 2006 are not identical to the prior office action of December 27, 2005.

5 Applicant's amendment and argument with respected to the pending claims 9-16 and new claims 17-28, filed on October 12, 2006, have been fully considered but they are not persuasive.

### **Claim Objections**

6 The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not). **Number 21 has been omitted by applicant, so misnumbered claims 22-28 have been renumbered 21-27.**

**Claims 9-27 are pending.**

**Claim Rejections - 35 USC § 102**

7 The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8 Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent of Schindler et al., (5,675,390).

9 As to claim 25, Schindler et al., discloses a hand-held remote control comprising a housing having a form factor configured to fit in the palm of a user's hand (124 of figures 1 and 9A-C), a first set of keys accessible on an outer surface of the housing, the first set of keys being associated with media playback control (Item 926 and 930 of figures 9A-C; Col. 10, line 41 – Col. 11, line 38; Col. 14, lines 4-14), and a second set of keys accessible on the outer surface of the housing, the second set of keys being associated with control of a computer operation (Items 910, 912 and 913 of figures 9A-C), wherein the second set of keys includes a key associated with opening a file folder containing computer media files on a computer (Col. 5, line 63- Col. 6, line 8; Col. 18, line 30 - Col. 19, line 50).

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10 As to claim 27, the hand-held remote control of claim 25, further, Schindler et al., discloses a third set of keys associated with control of a television (Items 916, 918 and 920 of figures 9A-C).

### Rejections - 35 USC § 103

11 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12 The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

13 Claims 9, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Wang et al., (6,366,453) in view of US Publication of Herrmann et al., (20020124271).

14 As to claims 9 and 18, Wang et al., discloses an electronic system (Item 10 figures 7-9) comprising a pedestal base (Item 14 figures 7-9) that has an enclosure mounted to the pedestal base, a flat panel display disposed within the enclosure (Item 12 figures 7-9), and a housing mounted on the pedestal base behind the display (Item 20 figures 7-9), the housing enclosing a processor-based system (Col. 2, lines 34-63). However, Wang et al., does not expressly disclose a subwoofer disposed in the pedestal base housing. In the field of interactive media terminal that incorporate a flat panel display coupled to computer and a communication device, Herrmann et al., discloses a subwoofer disposed in the pedestal base housing of the interactive media terminal (**i.e. the subwoofer, Item 262, is housed by items 160, 292 and 294 of figure 2; Page 2, Par. 0017, lines 1-5, Par 0019, lines 1-9**).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the electronic system of the combination of Wang et al., by incorporating subwoofer, as taught by Herrmann et al., in order to have an electronic system that has a subwoofer disposed in the pedestal base housing, because Herrmann et al., discloses a system for a media display that may be used with a variety of electronic devices that incorporates a subwoofer disposed in the housing that incorporate a flat panel display, a computer and a communication device to provide an interactive media terminal and suggests speakers being provided at different position to improve acoustics and increase aesthetic qualities of the media terminal as well as the number of speakers could be altered to optimize audio quality ( Page 2, Par 0016, lines 22-31).

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15 As to claim 16, the system of claim 9, further, Wang et al., discloses wherein the housing is substantially concealed behind the display, the housing enclosing a processor-based system (Col. 2, lines 34-63; See figures 7-9).

16 Claims 10, 11, 13, 20 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Wang et al., (6,366,453) in view of US Publication of Herrmann et al., (20020124271) and further in view of US Patent of Shiga et al., (6,522,283).

17 As to claims 10 and 20, the system of claims 9 and 18, however, Wang et al., and Herrmann et al., does not expressly disclose a wireless input device comprising a second housing, a first set of keys accessible on an outer surface of the second housing, the first set of keys being associated with media playback control and a second set of keys accessible on the outer surface of the second housing, the second set of keys being associated with control of a computer operation. Shiga et al., discloses a wireless input device (Col. 1, lines 1-6-12, 63-67) comprising a housing (See figure 1), a first set of keys accessible on an outer surface of the second housing, the first set of keys being associated with media playback control (Col. 3, lines 20-21), and a second set of keys accessible on the outer surface of the second housing, the second set of keys being associated with control of a computer operation (Col. 3, lines 12-14, 42-46; Items 321, 322 and 326 of figures 1 and 2).



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It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the system for an electronic device of Wang et al., and Herrmann et al., by incorporating the wireless input device, as taught by Shiga et al., in order to have an electronic system that has a wireless input device comprising a second housing, a first set of keys accessible on an outer surface of the second housing, the first set of keys being associated with media playback control and a second set of keys accessible on the outer surface of the second housing, the second set of keys being associated with control of a computer operation, because Wang et al., discloses a system for an electronic display device that may be used as all-in-one display (Col. 1, lines 18-33) and Shiga et al., discloses a wireless input device that may be used as all-in-one wireless input device for a variety of electronic devices.

18 As to claim 11, the system of claim 10, further, Shiga et al., discloses the input device further includes a third set of keys associated with control of a television (Col. 3, lines 18-20).

19 As to claims 13 and 23, the system of claims 10 and 20, further, Shiga et al., discloses the device comprises a wireless keyboard (See figure 1).

20 Claims 12, 15 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Wang et al., (6,366,453) in view of US Publication of Herrmann et al.,

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(20020124271) and further in view of US Patent of Shiga et al., (6,522,283) and further in view of US Patent of McLoone et al., (6,910,818).

21 As to claims 12, 15 and 21, the system of claims 10 and 20, further, the combination of Wang et al., Herrmann et al., and Shiga et al., disclose the input device having a second set of keys for performing input control of an information processing device (Col. 3, lines 12-14, 42-46; Items 321, 322 and 326 of figures 1 and 2 of Shiga et al.,). However, the combination of Wang et al., Herrmann et al., and Shiga et al., does not expressly disclose the second set of keys includes a key associated with opening a file folder on a computer and a file folder containing computer media files. McLoone et al., discloses an input device having a second set of keys includes a key associated with opening a file folder containing computer media files on a computer and a file folder containing computer media files (Col. 2, lines 60-67; Col. 3, lines 1-8; Col. 4, lines 65-67; Col. 5, lines 1-12).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to have a second set of keys, wherein the second set of keys includes a key associated with opening a file folder on a computer, as disclosed by McLoone et al., because Shiga et al., discloses set of keys that may be switched between control of an electrical appliance, and operation control of an information processing device (Col. 3, lines 6-21) and McLoone et al., disclose a set of keys associated with control of a computer operation, wherein the set of keys includes a key associated with opening a file folder on a computer media files.

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22 Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Wang et al., (6,366,453) in view of US Publication of Herrmann et al., (20020124271) and further in view of US Patent of Evanicky et al., (6,243,068).

23 As to claims 17 and 19, the electronic system of claims 9 and 18, however, Wang et al., and Herrmann et al., does not expressly disclose a pair of speakers disposed inside the enclosure with one speaker positioned on each side of the display. In the field of flat panel display, Evanicky et al., discloses a pair of speakers that are disposed inside the enclosure with one speaker positioned on each side of the display (See figure 1).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the electronic system of Wang et al., and Herrmann et al., by incorporating a pair of speakers, as taught by Evanicky et al., in order to have a pair of speakers disposed inside the enclosure with one speaker positioned on each side of the display, because Evanicky et al., discloses a flat panel display that may be used with a variety of electronic devices that incorporates a pair of speakers disposed inside the enclosure with one speaker positioned on each side of the display and one of ordinary skill in the art recognizes having the pair of speakers disposed inside the enclosure with one speaker positioned on each side of the display saves space and improves the audio output distribution quality into the surrounding.

24 Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Wang et al., (6,366,453) in view of US Publication of Herrmann et al., (20020124271) and further in view of US Patent of Schindler et al., (5,675,390).

25 As to claims 14 and 24, the system of claims 10 and 20, however, the combination of Wang et al., and Herrmann et al., does not expressly disclose wherein the device comprises a hand-held remote control having a form factor configured to fit in the palm of a user's hand. In the field of a home entertainment system combining complex processor capability with a high quality display, Schindler et al., discloses an electronic system that has a hand-held remote control having a form factor configured to fit in the palm of a user's hand (Col. 8, lines 2-11; Item 124 of figures 1 and 9A-C).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the combination of Wang et al., and Herrmann et al., by incorporating the hand-held remote control, as taught by Schindler et al., in order to have a hand-held remote control having a form factor configured to fit in the palm of a user's hand, because Schindler et al., discloses electronic system with a hand-held remote control having a form factor configured to fit in the palm of a user's hand which offers increased flexibility to users.

26 Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Wang et al., (6,366,453) in view of US Publication of Herrmann et al., (20020124271) and further in view of US Patent of Shiga et al., (6,522,283) and further

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in view of US Patent of McLoone et al., (6,910,818) and further in view of US Patent of Schindler et al., (5,675,390).

27 As to claim 22, the system of claim 21, the combination of Wang et al., Herrmann et al., Shiga et al., and McLoone et al., does not expressly disclose wherein a key is associated with opening a My Music folder. Schindler et al., discloses an electronic system capable of reading audio information such as music (Col. 1, lines 62-67).

It would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify the combination of Wang et al., Herrmann et al., Shiga et al., and McLoone et al., in order to have an electronic system wherein a key is associated with opening a My Music folder, because Schindler et al., discloses an electronic system that is capable of reading audio information such as music, which is accessed through a computer system and a remote control device that incorporate keys to control a computer, which offers increased flexibility to users and one skilled in the art would be motivated to incorporate a key that is associated with opening folders including a My Music folder would add more flexibility to users of the remote control.

28 Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent of Schindler et al., (5,675,390).

29 As to claim 26, the hand-held remote control of claim 25, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, in order to have

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an electronic system wherein a key is associated with opening a My Music folder, because Schindler et al., discloses an electronic system that is capable of reading audio information such as music, which is accessed through a computer system and a remote control device that incorporate keys to control a computer, which offers increased flexibility to users and one skilled in the art would be motivated to incorporate a key that is associated with opening folders including a My Music folder would add more flexibility to users of the remote control.

### Conclusion

30 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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31 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sisay Yacob whose telephone number is (571) 272-8562. The examiner can normally be reached on Monday through Friday 8:00 AM - 4:30 PM.

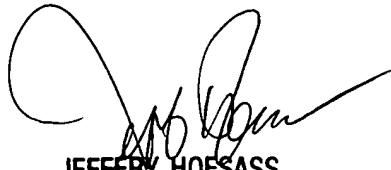
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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11/29/2006

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